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Alabama. Laws Statutes etc.

An act for the relief of
needy confederate soldiers and
sailors.



Class E5C1

Book A31

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A31

AN ACT

FOR THE

RELIEF OF NEEDY CONFEDERATE
SOLDIERS AND SAILORS,

RESIDENT CITIZENS OF ALABAMA,
AND THEIR WIDOWS.

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TABLE 107

1910-1911

A BILL

To be entitled An Act for the Relief of Needy Confederate Soldiers and Sailors resident Citizens of Alabama, and their Widows.

Section 1.—Be it enacted by the General Assembly of Alabama, That any resident citizen of this State on the first day of January, 1899, and who is a resident citizen at the time of filing his application, who while in the military or naval service of this State, or the Confederate States, lost a leg or arm, or the use thereof, or who from wounds received while in such service, or who from sickness or old age, or who is blind, or deranged or unable at the time to make a living by physical labor, by reason of his permanent disability, and who did not desert the service of the Confederate States or the State of Alabama, and who does not own property to the value of four hundred dollars, and who has no children living with him upon whom he can depend for support, and whose salary or income does not exceed three hundred dollars per annum, shall be entitled to the provisions of this act, as hereinafter provided, and the widow of any soldier or sailor of this State or of the Confederate States, who has not married since the death of such soldier or sailor, and whose husband did not desert the service of the State or of the Confederate States and who was a resident citizen of the State on the first day of January, 1899, and who is a resident citizen of the State at the time of filing her application, and who does not own property to the value of four hundred dollars, shall also be entitled to relief under the provisions of this act, as hereinafter provided.

Section 2.—Be it further enacted, That within sixty days after the passage of this act the Governor shall appoint for each county in the State two examiners, whose term of office shall be for six years from the date of appointment, one of whom shall be a practicing physician of good standing with his profession, and the other an ex-Confederate soldier or sailor or good moral character. The two shall constitute a board of examiners of pensions for the county in which they are appointed, and as such shall discharge all the duties prescribed for said board by this act: Provided, that before entering upon the discharge of the duties prescribed for the county board by this act, each of such appointees shall file with the judge of probate of the county, an oath in writing, to be administered by such judge, that they will honestly and faithfully discharge all the duties that may devolve upon them as such examiners.

Section 3.—Be it further enacted, That within ninety days after the passage of this act the Governor shall appoint three resident citizens of this State, whose terms of office shall be for six years from date of appointment, one of whom shall be a practicing physician of good standing as such in the State, and the other two ex-Confederate soldiers of good moral character. The three shall constitute a State Board of Examiners of Pensions, and as such shall discharge the duties of such board as hereinafter provided by this act. Each of said appointees before entering upon the duties of such examiners shall file in the office of the Secretary of State, a written oath that they will honestly and faithfully discharge all the duties that may devolve upon them as a member of said State Board of Examiners. All vacancies that may occur in either the County or State Board of Examiners, shall be filled by appointment made by the Governor, as the original appointments were made.

Section 4.—[As amended by Act approved March 5, 1901.] Be it further enacted, That upon the first Monday in July after the passage of this act, and upon the same date in each year thereafter, the County Board of Examiners shall meet at the County seat of their respective counties and open an office for the examination of applicants for pensions under this act. They shall give due notice by publication in some newspaper published in the county, or by posting at the court house door of the county and five other public places for three weeks of the time and place of their meeting. They shall keep their office open for the examination of applicants from 9 o'clock a. m. until 4 o'clock p. m. in week days for the first ten days after said first Monday in July, after which they may keep open for such time as may be necessary to examine the applications filed with them.

Section 5.—[As amended by Act approved March 5, 1901.] Be it further enacted, That the State Board of Examiners shall meet at the capitol in the city of Montgomery, on the second Monday in August, 1901, and on the same day in each year thereafter (they having been notified by the Auditor that there were applications to be passed upon), for the purpose of examining applications submitted to them, as hereinafter provided. They shall continue in session during week days until all applications filed with them shall be passed upon. Provided, they shall not receive pay for more than fifteen days during any year.

Section 6.—[As amended by act approved March 5, 1901.] Be it further enacted, That any soldier or sailor who served in the Confederate army or in the militia who deems himself entitled to the benefits of this act shall file with the County Board of Examiners

his application in writing upon blanks to be furnished him by the judge of probate of the county in which he resides, setting forth that he was a Confederate souldier or sailor; or a soldier or sailor in the service of the State of Alabama; that he did not desert the service; that he is not possessed, either in his own name or that of his wife, with property to the value of \$400; that his income does not exceed \$300 from salary or otherwise; that he has no children living with him upon whom he can depend for support; that owing to his disabled condition he can not make a living by manual labor. he shall also state in what company and regiment (provided he was in a regiment), and what branch of the service he served; whether he was honorably discharged or whether he surrendered with the army; giving his age and the nature of the wound he received, also in what engagement such wounds were received, and the reason why he cannot make a livelihood by manual labor; he shall also file with said board a complete inventory of all the property owned by himself and wife (provided he has a wife); the averments of the application must be sworn to by the applicant before one of the County Board of Examiners or some other officer who is authorized by law to administer an oath. The fact of his having served in the Confederate army or in the State troops of Alabama must be proven by the affidavit of two reliable persons who are acquainted with the facts. such ajdavit must be sworn to before some officer authorized to administer an oath, and if such officer and witnesses be non-residents of the State of Alabama the veracity of the witnesses shall be certified to by the officer taking the affidavit. Provided, that when any applicant has his parole or honorable discharge, said instrument shall be prima facie proof of his right to a pension.

Section 7.—[As amended by Act approved March 5, 1901.] Be it further enacted. That if the widow of any Confederate soldier or sailor or the widow of any Alabama soldier or sailor who served the State in the war between the States and who was a citizen of the State on the 1st day of January, 1899, and who is a citizen of the State at the time of filing her application, deems herself entitled to the benefits of this act, she shall file with the Board of Examiners of the county of her residence her application in writing upon blanks to be furnished by the judge of probate of the county, stating the name of her deceased husband, the company and regiment to which he belonged, whether he was killed or died in the service or not; that she has no children living with her upon whom she can depend for support; that she has not since remarried; and that the value of her property does not exceed \$400, and that she has not sufficient means of support. She shall also file with said

board a complete inventory of all the property, both real and personal, that she owns, which application must be sworn to by the applicant, and that the fact of her deceased husband having served as alleged and of his not deserting must be proven by the affidavit of two reliable witnesses who are acquainted with the facts, or by a parole or discharge given him at the surrender; such affidavit must be sworn to before some officer authorized to administer an oath, and if the officers and witnesses are non-residents of the State of Alabama the officer taking the affidavit must certify to the veracity of the witnesses. Provided, That the widow of any Confederate veteran who is now on the pension roll as now existing shall be placed on the pension record, and she shall become entitled to the amount of money allowed by law to the widows of Confederate veterans upon proof by two reputable witnesses that she is the widow of such Confederate veteran, and has not remarried since the death of her husband.

Section 8.—[As amended by Act approved March 5, 1901.] Be it further enacted, That at the July term or session of the county board in each year they shall call before them all applicants for pensions under this act and subject them to an oral and physical examination, reducing said examination to writing, to be submitted to the State Board of Examiners; they shall also furnish to the State board their total valuation of the property owned by the applicant. If the County Board of Examiners shall find themselves unable to decide upon an application from the evidence submitted, they shall have the right to summon witnesses or consider other evidence they may be able to secure in passing upon applications. Provided, if an applicant is not able to appear before the board by reason of inability to travel or insanity, and the board is satisfied of the merits of the application or can ascertain from reliable witnesses the information necessary for their intelligent decision, they shall have the right to do so. The county board shall submit to the State Board of Examiners through the Auditor of the State their decision in each case examined by them, stating whether or not the application should be granted, and if granted from what disability the applicant is suffering, together with any comments or information that may be of value to the State Board in arriving at an equitable decision. All applications passed upon by the county board, together with all papers pertaining thereto, including their own findings whether the application be granted or not, shall be by the County Board of Examiners forwarded to the Auditor at Montgomery, Ala., on or before the 5th day of August in each year.

Section 9.—[As amended by Act approved March 5, 1901.] That

it shall be the duty of the State Board of Examiners to receive from the Auditor the applications forwarded him by the county boards, and examine carefully and separately each application, together with all the evidences furnished by said county board, and decide whether or not the application should be granted, and if granted in what class the pensioners shall be placed. If the application be granted they shall so endorse upon the back of the application. If the application is refused they shall so endorse it, giving the grounds of refusal. After the Board of State Examiners shall have passed upon the application from a county they shall return the same to the Auditor, who shall dispose of them as hereinafter provided.

Section 10. [As amended by Act approved March 5, 1901.] That as compensation for services rendered under this act the County Board of Examiners for the year 1899 and 1900 shall receive as follows: In the counties where the applicants number 50 or less, 50 cents each for each application passed upon by them and reported to the State Board. In counties where the number is more than 50 and less than 100, 40 cents each, and in all counties where there are 100 or more applicants they shall receive 30 cents for each applicant. After the year 1900 each member of a county board shall receive \$1.00 for each application passed upon. The State Board of Examiners shall receive \$4.00 per diem for days spent in the actual discharge of duty together with the actual expense of travel to and from the capitol for one trip only; provided that in no one year said board be paid for more than fifteen days' service.

Section 11.—Be it further enacted, That upon the receipt of an itemized statement, sworn to as other claims against the State from the County and State Boards of Examiners by the Auditor, he finding the same to be correct and unpaid, he shall draw his warrant upon the State Treasurer payable out of the pension fund then on hand, in payment thereof.

Section 12.—Be it further enacted, That the beneficiaries of this act, shall be divided in four classes; as follows, soldiers or sailors, who are totally blind, or who have lost two limbs, or the entire use thereof, shall be class number one; those who have lost a leg above the knee, or an arm above the elbow, shall be class number two; those who have lost a foot or hand, or the entire use thereof, shall be classed number three; and all others including the widows shall be class number four. Each class shall participate in the division of the pension fund in the proportion hereinafter provided.

Section 13.—Be it further enacted, That the Auditor of the State shall have prepared a substantially bound and properly ruled rec-

ord to be used as a permanent State record of pensions, in which he shall have recorded in alphabetical order according to counties, the names of all pensioners who have been granted relief under this act by the boards of examiners, giving the command to which such pensioner belonged, age at the time of filing his application, branch of service, nature of disability under which he claims a pension, nature of wounds if wounded in the service, and the engagement in which such wounds were received. All applications rejected by the board shall be returned to the County Board of Examiners, who shall file them with the judge of probate in the county to be kept for future reference.

Section 14.—Be it further enacted, That it shall be the duty of the Auditor, after completing the record provided for by section 13 of this act, to furnish each Judge of Probate in the State, an abstract of all pensioners in his county, which abstract of copy shall be by the Judge of Probate recorded in a substantially bound and properly ruled book, to be kept in his office as a public record of pensions.

Section 15.—Be it further enacted, That immediately after the passage of this act, the Auditor shall prepare and furnish to the judges of probate in the State, sample copies of blank applications, affidavits and such other blanks as he may deem necessary to carry out the provisions of this act. It shall be the duty of the judges of probate, to have printed without delay, a sufficient number of all blanks furnished him for the use of applicants in his county, the same shall be furnished free of cost to those desiring to make application for relief under this act, provided, that all records, blanks, and other stationery necessary for the use of applicants, or the Board of County Examiners, shall be paid for by the county as other stationery is, and that used by the Auditor, shall be paid for by the State as other stationery is.

Section 16.—[As amended by Act approved March 5, 1901.] Be it further enacted, That immediately after the first day of October in each year the Auditor shall ascertain the amount of pension fund subject to distribution for that year and pro rate the same among all those who have been granted pensions in the ratio as follows: To the first class, 60 cents; to the second class, 50 cents; to the third class, 40 cents; and to the fourth class, 30 cents; provided, that in no one year shall the first class receive over sixty dollars, the second class over fifty dollars, the third class over forty, nor the fourth class over thirty. Any amount remaining in the fund after each class shall have received its maximum amount shall be by the Auditor certified into the general fund of the State.

Section 17.—Be it further enacted, That as early after the first

day of October in each year as practicable, the Auditor shall draw his warrant in favor of each pensioner, upon the treasurer payable out of the pension fund, for such amount as may be found due under the provisions of this act, which warrant together with a blank receipt to be signed by the payee upon the receipt of such warrant, shall be sent to the judge of probate in which the pensioner resides. It shall be the duty of the judge of probate to deliver such warrants to the payees, having them to sign the receipt accompanying, which receipts the judge of probate shall retain in his custody, until the first day of June in each year, after which time he shall return to the Auditor all receipts taken by him for such pension warrant, together with any warrant that he may have in his hands which he could not deliver, all warrants so returned to the Auditor shall be by him cancelled and no other warrant shall be issued in the place of those cancelled.

Section 18.—Be it enacted by the Legislature of Alabama, That section nine of an act entitled an act for the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, approved March 4th, 1901, be and the same is hereby amended so as to read as follows: Section 9. Be it further enacted, That it shall be the duty of the County Board of Examiners in each year to revise the pension roll of their respective counties, and if upon careful investigation it shall appear to them that any pensioner whose name stands on the roll is in any way illegally drawing a pension, the name of such pensioner, together with the name of any pensioner who has died or removed from the State, shall be sent to the State Board of Examiners with a recommendation that the name of such pensioner be erased from the pension roll. If upon receipt of such information by the State Board of Examiners it should appear to them that any erasures should be made from the roll, it shall be their duty to so notify the Auditor whose duty it shall be to so notify the judge of probate, and no warrant shall thereafter be issued to any pensioner whose name the State Board of Examiners shall decide should be erased from the pension roll. Provided, That should a pensioner die after the office of the County Board of Examiners has been closed and prior to the issuance of the warrant, and the name of the widow of such pensioner has not been placed upon the pension roll for the same year the judge of probate shall deliver the warrant to the widow or minor child or children of such deceased pensioner, and should there be no widow or minor child of such deceased pensioner, the judge of probate shall endorse and collect the warrant and attach to them his certificate showing the facts upon which he is herein authorized to so endorse and collect the

warrant, and the proceeds thereof he shall apply first to the payment of the burial expenses; second, to the expense of the last illness of such pensioner.

Section 19.—Be it further enacted, That it shall not be necessary for any soldier, sailor nor widow, who has been granted a pension to make application the second time, but those who have been rejected may file their applications again; Provided, they were not rejected, for an attempt at fraud, or false statements, or for not having served in the Confederate army, or in the troops of Alabama, these are barred from making a second application.

Section 20.—[As amended by Act approved March 5, 1901.] Be it further enacted, That the failure of an applicant to give the day of enlistment or discharge or the letter of the company or regiment in which he served shall not be sufficient cause of rejection. Neither shall the fact of having done service in the home guard or State reserve or State militia of any other State than Alabama entitle an applicant to relief under this Act.

Section 21.—Be it further enacted, That if it shall be ascertained that any pensioner secured the grant of his pension, by misrepresentation either by himself or others, his name shall be stricken from the pension records of the county and State, and the fact be reported to the grand jury for their investigation.

Section 22.—Be it further enacted, That each member of the county board is hereby authorized and granted power to administer oaths to applicants and witnesses. Any applicant under this act, or any witness examined, or whose affidavit is used in connection with an application, who swears falsely to any material matter, in connection therewith, shall be guilty of perjury.

Section 23.—Be it further enacted, That to carry out the provisions of this act, a special tax of one mill on each one dollar of the taxable property of the State shall be assessed and collected annually, as other taxes are, but separately reported by the assessors and collectors, and set apart in the treasury to carry out the provisions of this act, but the benefit of this act shall not enure to any soldier or sailor, or the widow of any soldier or sailor, who owns \$400 worth of property, or who has an annual income of \$400 or more.

Section 24.—Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 10, 1899.

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